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**A Publication of the  
BARBERING AND COSMETOLOGY  
EXAMINING BOARD**

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**Volume 11, No. 1**

**April, 2001**

**Secretary Marlene Cummings Retires**

Former Governor Tommy G. Thompson announced the retirement of Marlene Cummings after serving 14 years as Secretary of the Department of Regulation and Licensing to pursue private interests.

Governor Thompson thanked Secretary Cummings for her years of outstanding work and guidance on licensing issues.

Secretary Cummings, who retired from state service on February 25, 2001, had served with Governor Thompson since the beginning of his administration and was one of his first cabinet appointments.

"Marlene truly is a great friend, a great leader and a source of stability within the administration," Governor Thompson said. "We will miss her sound judgment and her innovative ideas. She has worked well with the licensing boards and her resignation will be a great loss for hundreds of board members and the entire state of Wisconsin"

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**THE WISCONSIN BARBERING AND  
COSMETOLOGY EXAMINING BOARD**

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Governor Thompson said Secretary Cummings has had an extremely successful tenure that emphasized changes in the handling of disciplinary complaints and adopted innovative disciplinary procedures. Her innovations have included an agency time-line for handling complaints, the use of mandated education and a procedure for managing professionals with drug and alcohol addictions.

"My 14 years of service in Governor Thompson's administration have been both inspiring and challenging," Secretary Cummings said. "We were often at the forefront of significant business and health care developments." Secretary Cummings also thanked Governor Thompson for his encouragement and the opportunity to serve, and wished him great success as a member of President Bush's cabinet.

Secretary Cummings says she is retiring to devote more time to her family. She said that she also needs more time for research and writing.

**New Board Member Appointed**

Former Governor Tommy Thompson appointed Laura Jenkins, Darlington, to a 4-year term on the Board, replacing Yvonne Davis who previously resigned. Ms. Jenkins is entering her seventh year as proprietor and manager of A Barber Shop Inn-Hotel in Darlington. Her term will expire July 1, 2004.

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## **Important Message From the Department of Workforce Development**

Failure to pay court-ordered child support may result in the suspension or non-renewal of professional licenses.

Recently enacted Wisconsin laws give local child support agencies the ability to request suspension or denial of licenses of people whose names appear on the Child Support Lien Docket and who owe more than \$1,000 or three months' worth of child support.

Past-due child support creates a lien against all of a payer's titled property. The lien is entered into Wisconsin's Child Support Lien Docket when past-due support reaches a specified threshold. In January 2001, the threshold amount was \$20,000 in past-due support.

Child support agencies will notify payers at the time their names are added to the Child Support Lien Docket and prior to initiating license suspension action. Satisfaction (payment in full) of the child support lien, or entering into and complying with a plan to pay off the past-due support, will halt license suspension action.

For more information about Child Support Liens and license suspension, please contact your local child support agency.

## **Lists of Registrants**

The Department has implemented 1999 Wisconsin Act 88, which limits the disclosure of personal identifiers by the Department on lists that contain the personal identifiers of 10 or more individuals. A "personal identifier" is a name, social security number, telephone number, street address, post office box number or 9-digit extended zip code. Thus, any form that the Department requires you to complete, in order to apply for or renew a credential, must include a place for you to declare that the personal identifiers collected on the form may not be disclosed on any list that the department or a credentialing board furnishes to another person. If you complete such a declaration the Department will not be permitted to disclose your personal identifiers on such lists. Exception: lists furnished to another state agency, a law enforcement agency or a federal governmental agency.

## **Reports of Disciplinary Decisions**

The Department of Regulation and Licensing publishes the Reports of Decisions on a monthly basis. The reports contain disciplinary orders issued by the professional regulatory boards and by the Department. You may access these disciplinary orders at the department's Web site. The address is: <http://www.drl.state.wi.us>.

The Reports of Decisions include final orders issued by the Department of Regulation and Licensing and the

Boards attached to the Department. Decisions routinely included are decisions in cases initiated by the filing of a formal complaint or petition for summary suspension, disciplinary decisions reached through stipulation, cases dismissed without discipline, interim orders staying imposition of discipline, orders modifying limitations previously imposed and court decisions relating to orders issued by the Department or a Board. The reports do not include decisions to deny or grant an initial credential application or renewal application unless the grant or denial followed a hearing and relates to a ground for discipline.

Reports are prepared each month and take about four weeks to process from the close of the reporting period. The decisions are indexed by year and month, and within each, by respondent and by profession.

## **Material Safety Data Sheets**

The Board believes that Material Safety Data Sheets are important to the protection of the health, safety and welfare of both the patron and the practitioner. These sheets provide information needed in the case of an individual being exposed to a substance considered harmful to them.

The following is an excerpt of a letter the Board sent to Michael Connors, Region Five Administrator, OSHA.

"The Wisconsin Barbering and Cosmetology Examining Board is the body responsible for licensing and regulating barbers and cosmetologists, electrologists, manicurists, and aestheticians in Wisconsin. The Board has identified a concern regarding the availability of Material Safety Data Sheets for products used by the barbering and cosmetology profession, which is why I am writing this letter to you.

It is the board's understanding that an MSDS should be available with each product from the distributor. The Board receives occasional reports that some distributors and local sales representatives do not routinely provide an MSDS, and are often even unable to provide an MSDS on request, which means that licensed establishments receive and use products for which an MSDS is not available.

On behalf of the Board, I am asking that your office publicize and reinforce the need for distributors of products to the beauty industry to provide an MSDS for any product, either routinely upon delivery of the product or at least upon request."

Michael G. Connors, Regional Administrator, OSHA, responded:

"OSHA's Hazard Communication Standard (HCS), 29 CFR 1910.1200, requires a downstream flow of information, such as MSDSs, from chemical manufactures and importers to distributors and employers with the initial shipment of the hazardous chemical. Employers have a concurrent responsibility to obtain a MSDS for each hazardous chemical that their employees may use. *If the employer does not receive a MSDS from the chemical manufacturer, importer or distributor,*

they are required to request the MSDS so that it can be made available to their employees. These requirements have been in effect for more than ten years and there has been significant information about the requirements of the HCS.

Information about the requirements of the standard is readily available from the OSHA website at [www.osha.gov](http://www.osha.gov). In addition each of the Area offices is able to provide compliance assistance.

If you have information regarding a particular distributor that is not providing MSDSs for hazardous chemicals when requested, please advise OSHA of the details of the specific situation and they will take the appropriate action at that time."

#### OSHA Offices:

Appleton Area: 648 Triark Way, Appleton WI 54914  
Phone: 920-734-4521 Fax: 920-734-2661  
Eau Claire Area: 1310 W. Clairemont Avenue, Eau Claire WI 54701  
Phone: 715-832-9019 Fax: 715-832-1147  
Madison Area: 4802 E. Broadway, Madison WI 53716  
Phone: 608-441-5388 Fax: 608-441-5400  
Milwaukee Area: Henry S. Reuss Bldg. # 1180, 810 W. Wisconsin Avenue, Milwaukee WI 53203  
Phone: 414-297-3315 Fax: 414-297-4299

#### Methyl Methacrylate Monomer (MMA)

The following article was originally published in the March 1998 issue of the Regulatory Digest. It is reprinted at this time because the Department receives continuing reports of the use of MMA.

**NOTICE RE: METHYL METHACRYLATE** Methyl methacrylate monomer (MMA) in liquid form, or any cosmetic or nail service product formulated with MMA as one of its ingredients, should not be used by any manicurist, nail technician, practitioner, manager or in any establishment in providing services or products to patrons. MMA, or any product containing MMA as an ingredient, should not be present upon the premises of any establishment. Any use of MMA or any product containing MMA, as well as selling, stocking or storing such substance or product, may result in disciplinary action against all licensees involved. Increased reports and complaints concerning MMA have prompted the Board to reaffirm this position.

The FDA has determined that MMA is a poisonous and deleterious substance when used in liquid monomer form. In addition, use of MMA upon nails or for bonding can result in serious injury, damage or deformity to the nails, or permanent nail loss. Furthermore, exposure to MMA vapors may be hazardous to a patron's health, as well as to the person providing the service and others in the vicinity. Potentially harmful exposure may occur even at concentrations below the level at which its distinctive fruity odor is detectable by sense of smell. Dust masks do not stop inhalation of vapors. Exposure also occurs by direct contact with the skin or by skin contact with contaminated clothing. Health risks from exposure, depending on concentration and/or duration, may include irritation or damage to skin, eyes, nose, throat

and lungs; dermatitis; liver damage; allergic reaction; lightheadedness, dizziness and passing out; nervous system damage including "pins and needles", numbness, weakness, changes in ability to remember and concentrate; and damage to a developing fetus. MMA is flammable and reactive and is a fire and explosion hazard.\* The Board considers that any use, sale or transfer to a patron, stocking or storing of MMA or any product containing it in connection with providing manicuring or any other barbering or cosmetology service, represents a hazard to the health and safety of patrons and the public.

The Wisconsin Administrative Code provides:

*BC 2.03 Practice standards. (1) Services provided by any licensee shall be performed in a manner that is consistent with basic and accepted practice standards and in accordance with all state statutes, board rules and local codes and ordinances.*

*(4) Licensees shall maintain competency in all services they practice and maintain knowledge of all products and implements utilized in providing these services.*

*(5) Licensees shall take adequate and necessary precautions to protect the patron from health and safety hazards when performing services.*

*BC 4.01 Sanitation. (1) All areas of an establishment and the equipment, tools and implements used by licensees for services in an establishment shall be maintained in a clean, sanitary and safe condition.*

Accordingly, every licensee must:

1. Maintain knowledge of all products and ingredients utilized in providing services to their patrons, including maintaining knowledge of health or safety risks, warnings and precautions associated with the products, and ingredients thereof, used in providing professional services.
2. Take adequate and necessary precautions to protect the patron from health and safety hazards when performing services. MMA is poisonous and deleterious when used inappropriately. An example of misuse would be using MMA for bonding artificial nails. The nails would have to be removed by filing them down to the natural nail or just waiting for them to come off naturally. However, it is available or present in products on the market. The Board's rule requires a licensee to avoid any use of the substance or any project that may contain the substance.

Therefore, pursuant to these rules, it is the position of the Board that MMA, or any product containing MMA, shall not be used in providing any manicuring or other barbering and cosmetology services, and shall not be sold, transferred, stocked or stored, by any licensee or by any licensed establishment.

Violation of these standards would subject a license or permit holder to disciplinary action and/or penalties under secs. 454.15 and 454.16, Stats.

\*Derived from information sources available through the media.

### **Paraffin Wax Treatment Protocol**

- ❑ Paraffin wax treatment for hands and feet should use separate baths. If the same bath is used for both hands and feet, wash feet thoroughly and clean under nail beds as well.
- ❑ Patron's skin on the hands should be intact. There should be no sign of the following: dermatitis (rough, red, cracked and sore skin), no cuts or wounds, open or weeping sores or scabbed skin.
- ❑ Patron's should wash as least 30 seconds with brush in warm or hot soapy water, paying particular attention to brushing under the nail beds, then dry hands with paper towels or fresh towels.
- ❑ Use alcohol handwash according to manufacture's instructions.
- ❑ The paraffin wax should not be recycled.

### **The Delicate Work of Lash and Brow Tinting**

Lash and brow tinting is a greatly misunderstood, under-utilized, and often feared professional service. The service requires steadiness of hand, good vision, good lighting and/or a facial magnifying glass. It is delivered in a private facial area where the client can recline in comfort, and interruptions and accidents from bumping are minimized. The service also requires a specialized product.

The one known product used for this service is made by Roux, called "Roux Lash and Brow Tint". It is available in two colors, brown or black. A metallic dye stuff, there is no processing time, and very little odor. The results of the color application are immediate. The colorist prepares the surrounding skin with creams and protective eye pads. Minute cotton swabs are constructed from the kit to aid application into the tiniest of eye corners, and a small bottle of skin cleaner is available should the colorist accidentally touch the swab to the skin.

Remember these precautions during the service:

- 1) Follow sanitation codes and regulations.
- 2) Sit down and relax. Steady your hand. Be sure you can clearly see all the brow hairs.
- 3) This is a process not to be rushed. There are no short cuts, and the colorist must follow all precautions.
- 4) There is never a need to apply lash and brow tint to the skin surface, only to the actual hair.
- 5) Only the Roux metallic-dye stuff can be used for this service; analine-derivative tints are illegal and dangerous to use on or near the eye.
- 6) Follow the manufacturer's directions!
- 7) Always use a perpendicular, side-swiping motion during lash application. To apply to the length of the lash will result in skin stains.
- 8) Always apply with the growth of eyebrow hair, but also to the underside of hair.
- 9) Do not exchange bottle caps; to do so will result in contaminated product.

10) Always build your own cotton swabs. The commercial swabs are too big.

11) Price your service accordingly. The 1970's service cost the client \$3.75!

The full process is described in the Milady's Standard Textbook of Cosmetology, 2000.

## **Disciplinary Actions**

### **GREAT CLIPS**

#### **EAU CLAIRE WI**

Operated as a barbering and cosmetology establishment with an expired license. Pay \$1,000.00 forfeiture. Effective 8/7/2000. Sec. 454.08(1)(b), Stats. BC 2.04(1), 3.01(1) Case #LS0008072BAC

#### **FORFEITURES**

### **GLAMOUR SHOTS**

#### **APPLETON WI**

Operated the establishment without a licensed barbering and cosmetology manager on staff at the establishment. Pay a \$100.00 forfeiture. Effective 12/4/2000. Secs. 454.08(6), 454.15(2)(i), Stats. BC 2.06(5), 3.02(1) Case #LS0012048BAC

#### **REPRIMAND**

### **COREY WILSON**

#### **MILWAUKEE WI**

No licensed manager at the salon. Employed an unlicensed individual to provide barbering and cosmetology services. Employed an unlicensed barbering and cosmetology manager. Salon has closed. Effective 12/4/2000. Sec. 454.04(1)(a), Stats. BC 3.02(1),(1)(a) Case #LS0010242BAC

#### **SURRENDER**

### **CHARLENE WILSON-DURR**

#### **MILWAUKEE WI**

No licensed manager at the salon. Employed an unlicensed individual to provide barbering and cosmetology services. Employed an unlicensed barbering and cosmetology manager. Salon has closed. Effective 12/4/2000. Sec. 454.04(1)(a), Stats. BC 3.02(1),(1)(a) Case #LS0010242BAC

#### **SURRENDER**

### **CHRISTOPHER MARTIN**

#### **MILWAUKEE WI**

No licensed manager at the salon. Employed an unlicensed individual to provide barbering and cosmetology services. Employed an unlicensed barbering and cosmetology manager. Salon has closed. Effective 12/4/2000. Sec. 454.04(1)(a), Stats. BC 3.02(1),(1)(a) Case #LS0010241RAL

#### **ADMINISTRATIVE INJUNCTION**

### **TIGHT AGAIN SALON**

#### **MILWAUKEE WI**

Did not hold a valid and current license or permit. His apprenticeship contract was cancelled on 4/15/99. An individual was providing services to the public without a valid and current license or permit. \$2,000.00 forfeiture. Effective 10/9/2000 Sec. 454.04(1)(a), Stats. BC 2.04(1) Case #LS0010091BAC

#### **FORFEITURES**

### **ANNA M MAAS**

#### **ANN GEIGER ELECTROLYSIS**

#### **MADISON WI**

Ms. Maas' electrologist license and the establishment license both expired in 1997. Continued to practice at the salon. After an inspection and notice of violation, both licenses have been renewed. Pay a \$1,000.00 forfeiture. Effective 12/4/2000. Secs. 454.04(1)(c), 454.08, Stats. BC 2.04(1), 3.02(3) Case #LS0012049BAC

#### **FORFEITURES**

**NAILS ONLY****OSHKOSH WI****FORFEITURES**

Employed an unlicensed individual to provide manicuring services. Pay a \$1,000.00 forfeiture. Effective 12/4/2000. Secs. 454.04, 454.15(2)(i), Stats. Case #LS00120411BAC

**KEN NGUYEN****OSHKOSH WI****ADMINISTRATIVE INJUNCTION**

Engaged in the practice of manicuring without the appropriate credential. Effective 11/2/2000. Sec. 454.04(1)(d), Stats. Case #LS0007141RAL

**MADELYN C HOOGHEEM****MANE STREET STYLISTS****CLEAR LAKE WI****FORFEITURES/REPRIMAND**

Operated Mane Street Stylists without a licensed barbering and cosmetology manager on staff at the establishment. Pay \$100.00 forfeiture. Effective 10/9/2000. Secs. 454.08(6), 454.15(2)(i), Stats. BC 2.06(5), 3.02(1) Case #LS0010094BAC

**GENEVIEVE Z WILCOX MEILAHN****PICKETT WI****FORFEITURES**

Operated as a manicuring establishment without an establishment permit. Pay a \$1,000.00 forfeiture. Secs. 454.08(1)(b), 454.15(2)(i), Stats. BC 3.01(1) Case #LS00120410BAC

**BODY & SOL****GREEN LAKE WI****FORFEITURES**

Operated as a manicuring establishment without an establishment permit. Pay a \$1,000.00 forfeiture. Secs. 454.08(1)(b), 454.15(2)(i), Stats. BC 3.01(1) Case #LS0012046BAC

**KARLENE JANES****GREEN LAKE WI****FORFEITURES**

Operated as a manicuring establishment without an establishment permit. Pay a \$1,000.00 forfeiture. Secs. 454.08(1)(b), 454.15(2)(i), Stats. BC 3.01(1) Case #LS0012046BAC

**PHUONG HOANG NGO****TOP NAILS****MILWAUKEE WI****FORFEITURES**

Employed unlicensed individual to provide manicuring services. Inspection of salon revealed sanitation violations, including but not limited to dirty and clean equipment stored together, and no topical antiseptic at workstations. Pay a \$1,000.00 forfeiture. Effective 12/4/2000. Sec. 454.15(2)(i), Stats. BC 2.04(1), 2.06, 4.01, 4.04(1) Case #LS00120413BAC

**NAIL PRO****APPLETON WI****FORFEITURES**

Salon did not maintain clean, sanitary and safe conditions. Did not provide a separate container for the immediate storage of soiled linen used at the establishment. Pay a \$200.00 forfeiture. BC 4.01(1),(b),(c), 4.10(1)(a) Case #LS0012045BAC

**JIMMY D HO****NILES IL****FORFEITURES**

Salon did not maintain clean, sanitary and safe conditions. Did not provide a separate container for the immediate storage of soiled linen used at the establishment. Pay a \$200.00 forfeiture. BC 4.01(1),(b),(c), 4.10(1)(a) Case #LS0012045BAC

**TRUNG NGUYEN****TUAN NGUYEN****CHIC NAILS****RACINE WI****REPRIMAND/FORFEITURES**

An inspection of the establishment resulted in a notice of compliance which cited several minor sanitation concerns. Pay a \$100.00 forfeiture. Effective 8/7/2000. Sec. 454.15(2)(i), Stats. BC 2.06(2), 4.01(1) Case #LS0008074BAC

**PRO NAILS****SONNY HO, OWNER****APPLETON WI****FORFEITURES**

Did not maintain clean, sanitary and safe conditions at Pro Nails. Did not have disposable gloves for manicurists, no lid for soiled linen container, no disinfectant at the workstations. Unlicensed individuals working as manicurists and providing services at the establishment. \$2,200.00 forfeiture. Effective 10/9/2000. Sec. 454.04(1), Stats. BC 2.04(1), 2.06(2), 2.08, 4.01(1), 4.02(3)(a), 4.04(1),(2), 4.10(1) Case #LS0010093BAC

**PHUONG VAN NGUYEN****FANCY NAILS****WAUSAU WI****FORFEITURES**

Salon operated without a current manicurist establishment license. Employed two unlicensed individuals to provide manicuring services. Pay a \$2,000.00 forfeiture. Effective 12/4/2000. Secs. 454.04(1)(d), 454.08(1)(b), 454.15(2)(i), Stats. B 2.04, 2.06, 3.01(1) Case #LS00120412BAC

**XUAN NGO****LAM Q LE****WAUSAU WI****FORFEITURES**

Salon operated without a current manicurist establishment license. Employed two unlicensed individuals to provide manicuring services. Pay a \$2,000.00 forfeiture. Effective 12/4/2000. Secs. 454.04(1)(d), 454.08(1)(b), 454.15(2)(i), Stats. B 2.04, 2.06, 3.01(1) Case #LS00120412BAC

**LYLE MC DOWELL****MILLARD BATES HAIR ELEGANCE****MILWAUKEE WI****FORFEITURES**

Establishment did not maintain equipment, tools and implements used by licensees in a clean, sanitary and safe condition. Effective 8/7/2000. Sec. 454.15(2)(i), Stats. BC 4.01(1) Case #LS0008073BAC

**ERNEST ELLARD****MILWAUKEE WI****FORFEITURES**

Establishment did not maintain equipment, tools and implements used by licensees in a clean, sanitary and safe condition. Pay \$100.00 forfeiture. Effective 8/7/2000. Sec. 454.15(2)(i), Stats. BC 4.01(1) Case #LS0008071BAC

**LESEAN D BARNES****BRIAN R GREEN****MILWAUKEE WI****FORFEITURES**

The establishment was not licensed. An employee did not have a valid and current license. Pay a \$1,100.00 forfeiture. Effective 12/4/2000. Sec. 454.08(1)(b), Stats. BC 3.04 Case #LS0012044BAC

**SOPHISTICATED LADYZ BARBER****MILWAUKEE WI****FORFEITURES**

Employed an unlicensed individual to provide barbering and cosmetology services. Pay a \$1,000.00 forfeiture. Sec. 454.04(1)(a), Stats. BC 2.04(1) Case #LS0012047BAC

**ANNETTE A LAY****CORTNEY HULEY****MILWAUKEE WI****FORFEITURES**

Employed an unlicensed individual to provide barbering and cosmetology services. Pay a \$1,000.00 forfeiture. Sec. 454.04(1)(a), Stats. BC 2.04(1) Case #LS0012047BAC

# REGULATORY DIGEST

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## Telephone Directory

The Division of Business Licensure & Regulation has a menu telephone system which is designed to more efficiently direct the caller to the appropriate section. The telephone number for staff is:

**(608) 266-5511**

**NOTE: Please make sure you dial the 608 area code rather than 414. The Department does not have an office in Milwaukee.**

After dialing this number you are asked to press various menu choices. For the following requests, please press numbers as noted:

<b>Applications Forms</b>	<b>Press 11</b>
<b>Complaints Against Licensees</b>	<b>Press 12</b>
<b>Whether A Person is Licensed</b>	<b>Press 442</b>
<b>Application Processing &amp; Requirements</b>	<b>Press 42</b>
<b>FAX:</b>	<b>(608) 267-3816</b>

## Board Meeting Dates for 2001

April 2, June 4, August 6, October 8, December 3  
Meetings are held at 1400 E. Washington Ave, Madison, WI and begin at 9:30 a.m. Meeting dates are subject to change.

## Visit the Department's Web Site

[www.drl.state.wi.us](http://www.drl.state.wi.us)

For our new "Online Verification of Credential Holders" click on the "Business and Professional License Lookup" button on the Department's home page.

Copies of the Regulatory Digest are on the Web.

Send comments to [dorl@drl.state.wi.us](mailto:dorl@drl.state.wi.us)

## Wisconsin Statutes and Code

Copies of the Barbering & Cosmetology Examining Board Statutes and Administrative Code can be ordered through the Board Office. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated October, 1999.

## Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes is not automatically provided.

**SECTION 440.11, STATS., ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.**

## Subscription Service

Bi-annual digest subscriptions are published for all credentials in the Department at a cost of \$2.11 each per year. CREDENTIAL HOLDERS RECEIVE THEIR REGULATORY DIGEST FREE OF CHARGE. Others may send the fee and this form to the address listed above.

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